

REMARKS

The present Reply and the Reply of May 25, 2005 constitute the proper Submission with the Request for Continued Examination (37 C.F.R. § 1.114) being concurrently filed, wherein the present Submission fully complies with M.P.E.P. § 706.07(h)(II).

Status of Claims

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

In the present Reply, claim 33 has been amended herein. Claims 1-32, 34-36 and 39-60 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 33, 37, 38 and 61-63 are pending in the present application. No new matter has been added by way of the amendment to claim 33, since this amendment has support at page 8, lines 6-22 of the present specification.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims. Applicants submit the following additional remarks based on the comments in the Advisory Action of June 13, 2005.

The Examiner points out in the Advisory Action that the fucoidans are anticipated to have similar therapeutic effects even if its derivations are different. Further, the Examiner states that while the derivation of the fucoidan is limited in the previous amendment, the amendment does not limit on a particular structure (see page 2 of the Advisory Action).

Applicants assert that a single kind of marine algae does not necessarily have only one kind of the fucoidan substance. For instance, in the case of the fucoidan derived from *Kjellmaniella crassifolia*, at least three kinds of fucoidan substances have been known to exist, as described on page 8, line 16 to page 9, line 19 of the present specification. The cited Lion '247 reference (JP 11-21247) discloses that fucoidans derived from other organisms shows an allergic reaction. However, it is unknown whether or not each of the fucoidans derived from these organism species is composed of only one kind of fucoidan substance. In other words, Lion '247 fails to completely disclose which kind of fucoidan substances show anti-allergic reactions.

By the present amendment as shown herein, the fucoidan is further limited to three kinds of fucoidan substances among the fucoidan derived from *Kjellmaniella crassifolia*. As mentioned above, the cited Lion '247 reference does not disclose nor suggest which kind of fucoidan substances show anti-allergic action. Thus, Applicants respectfully maintain their position of patentability as stated in the previous May 25 response. The present invention is patentably distinct and is not obvious over the cited combination of references. Therefore, it is respectfully submitted that this rejection is overcome.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact Eugene T. Perez (Reg. No. 48,501) at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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